

## REMARKS

The applicants have studied the Office Action dated October 3, 2003, and have made amendments to the claims. By virtue of this Amendment, claims 1, 42, and 43 have been amended; thus, claims 1-22 and 24-54 are pending. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and allowance of all of the claims in view of the above amendments and the following remarks are respectfully requested.

Claims 1, 3-10, 12, and 15-54 were rejected under 35 U.S.C. § 102(b) as being anticipated by Peterson et al. This rejection is respectfully traversed.

Embodiments of the present invention are directed to a portable infusion system that is programmable by an individual for delivering fluid from a reservoir into a user. The infusion system includes: a drive mechanism that forces the fluid out of the reservoir; a housing sized to be carried by the user and fit in a clothing pocket, and adapted to contain at least a portion of the reservoir and the drive mechanism; an input device coupled to the housing that accepts one or more inputs; a processor contained in the housing that uses the inputs to modify one or more control parameters to control the drive mechanism; and a display coupled to the housing that receives information from the processor and visually displays one or more screens containing the information. One or more of the screens is a select screen that includes at least two menu items, and the input device is used to select one menu item from amongst the at least two menu items. Selection of one of the at least two menu items causes the display to show at least another one of the screens that is a set screen. The set screen includes a plurality of control parameters associated with the selected menu item, and guides the individual through sequential steps for programming the plurality of control parameters associated with the selected menu item. The input device is used to program the plurality of control parameters associated with the selected menu item from the set screen in accordance with the sequential steps provided by the set screen. Thus, the portable infusion system provides a menu structure for easily accessing and modifying control parameters associated with particular functions to control the drive mechanism.

Claim 1, and claims 3-10, 12, 15-41, and 44-54 depending therefrom, recite a portable infusion system that includes “a housing sized to be carried by the user and fit in a clothing pocket and adapted to contain at least a portion of the reservoir and the drive mechanism” (emphasis added). Claims 42 and 43 recite similar language. The Peterson et al. reference fails to disclose, teach, or suggest a portable infusion system including a housing that is sized to be carried by the user and fit in a clothing pocket, as recited in the claims.

The Peterson et al. reference is directed to a system for kidney dialysis, which includes three components: (1) a hemodialysis machine, (2) a touch screen user interface for programming the hemodialysis machine, and (3) a computer for controlling the hemodialysis machine and user interface. These three components, neither individually nor as an entire system, are sized to be carried by a user; instead, they are utilized in a hospital for performing kidney dialysis on patients. In the Office Action, the Examiner asserted that the claims do not specify how the housing is to be carried by the user, and further, that the system disclosed in the Peterson et al. reference is capable of being carried by the user. In response, the applicants have amended independent claims 1, 42, and 43 to further recite that the housing is “sized to be carried by the user and fit in a clothing pocket” (emphasis added). In the Peterson et al. reference, neither the system as a whole (including all three components), nor the individual components of the system, are sized to be carried by the user and fit in a clothing pocket. Thus, the Peterson et al. reference fails to disclose, teach, or suggest a portable infusion system including a housing that is sized to be carried by the user and fit in a clothing pocket, as recited in the claims. Accordingly, withdrawal of the rejection of claims 1, 3-10, 12, and 15-54 under 35 U.S.C. § 102(b) is respectfully requested.

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Peterson et al. in view of DeLaHueriga. Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Peterson et al. in view of Say et al. Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Peterson et al. in view of Benkowski et al. Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Peterson et al. in view of Havel. These rejections are respectfully traversed.

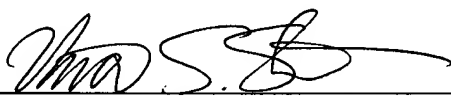
Claims 2, 11, 13, and 14 depend from independent claim 1. It is respectfully submitted that claims 2, 11, 13, and 14 are patentable over the Peterson et al. reference for the same reasons discussed above with respect to claim 1. Further, the DeLaHuerger, Say et al., Benkowski et al., and Havel references fail to disclose, teach, or suggest a portable infusion system including a housing that is sized to be carried by the user and fit in a clothing pocket, and a set screen that guides a user through sequential steps for programming a plurality of control parameters associated with a selected menu item, as recited in the claims. Accordingly, withdrawal of the rejections of claims 2, 11, 13, and 14 under 35 U.S.C. § 103(a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that the application and all of the claims are in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If, for any reason, the Examiner finds that the application is other than in condition for allowance and believes that a telephone interview would advance the prosecution of the application, the Examiner is invited to call the undersigned attorney at (818) 576-5291.

Respectfully submitted,

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